

SC NAACP v. Alexander,
D.S.C. Case No. 3:21-cv-03302-MGL-TJH-RMG

EXHIBIT 3

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF SOUTH CAROLINA
3 COLUMBIA DIVISION

4 THE SOUTH CAROLINA)
5 STATE CONFERENCE OF)
6 THE NAACP, et al.,)
7))
8 Plaintiffs,) Case No. 3:21-CV-03302-MGL-
9)) TJH-RMG
10 vs.)
11))
12))
13 THOMAS C.)
14 ALEXANDER, et al.,)
15))
16))
17 Defendants.)
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24 Videotaped Remote Deposition of
25 SENATOR GEORGE EARLE CAMPSEN, III
26 (Taken by Plaintiffs)
27 Isle of Palms, South Carolina
28 Friday, August 5, 2022

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32
33
34 Reported in Stenotype by
35 Lauren M. McIntee, RPR, CRR
36 Transcript produced by computer-aided transcription

<p style="text-align: right;">Page 146</p> <p>1 MR. TRAYWICK: Object to the form.</p> <p>2 A. Well, least change is actually like the case,</p> <p>3 but it's actually a -- we would -- a reapportionment</p> <p>4 plan in the -- it was in the '80s, the federal court</p> <p>5 said least change is good. If -- if you can meet all</p> <p>6 other redistricting criteria, that's -- that's</p> <p>7 preferable. But least change reflects constituent</p> <p>8 consistency.</p> <p>9 It also reflects, another reason I thought</p> <p>10 least change was good, because it -- this plan, the</p> <p>11 benchmark plan was approved by the -- was precleared by</p> <p>12 the Obama administration, upheld by federal courts, and</p> <p>13 even confirmed by the United States Supreme Court in</p> <p>14 2012. So that's a pretty good starting point.</p> <p>15 BY MR. CUSICK:</p> <p>16 Q. But having the plan previously precleared by</p> <p>17 DOJ isn't a redistricting guideline, correct?</p> <p>18 A. I took -- no, but I took -- I'd be a fool not</p> <p>19 to weigh that. Districting guidelines are guidelines.</p> <p>20 They're not absolutes. There's no guideline that</p> <p>21 says that I need to comply with any specific Supreme</p> <p>22 Court case either. The only one mentioned is <i>Thornburg</i></p> <p>23 v. <i>Gingles</i> -- <i>Gingles</i>, and there's plenty other case law</p> <p>24 we need to comply with.</p> <p>25 Q. Are you aware that this case involves claims</p>	<p style="text-align: right;">Page 148</p> <p>1 A. No, and there's nothing in the guidelines to</p> <p>2 shore up a 5 to 2 Republican/Democrat split that Senator</p> <p>3 Harpootlian offered either.</p> <p>4 BY MR. CUSICK:</p> <p>5 Q. Anything in the guidelines requiring CD1 to</p> <p>6 be less politically competitive for either party?</p> <p>7 A. No, that's not in the guidelines.</p> <p>8 Q. Do you recall shoring up a Republican</p> <p>9 advantage in CD1 as coming up in the map drawing</p> <p>10 process?</p> <p>11 A. Yes. I was -- I took political factors into</p> <p>12 account, and that was part of the process.</p> <p>13 Q. Was the partisan gains --</p> <p>14 A. It wasn't dominant. It didn't control</p> <p>15 everything, but it was part of the process. I could</p> <p>16 have drawn a map much more Republican.</p> <p>17 Q. So would you say partisan gain was something</p> <p>18 that motivated the map that you drew?</p> <p>19 MR. TRAYWICK: Object to the form.</p> <p>20 A. It was a fact- -- it was a factor.</p> <p>21 BY MR. CUSICK:</p> <p>22 Q. During any of the times you presented the map</p> <p>23 publicly, did you ever state that?</p> <p>24 A. I -- I can't recall whether I did or not.</p> <p>25 Q. Would there be any reason you wouldn't state</p>
<p style="text-align: right;">Page 147</p> <p>1 about racial gerrymandering?</p> <p>2 A. Yes.</p> <p>3 Q. And do you understand that's a different</p> <p>4 legal question for the standard that's used than</p> <p>5 preclearance?</p> <p>6 A. Yes.</p> <p>7 Q. And so could a map have been precleared, but</p> <p>8 still operated as a racial gerrymander map?</p> <p>9 A. Well, it -- it could, but it's -- I think</p> <p>10 it's much more unlikely when you have the Supreme Court</p> <p>11 affirm it. I mean, I'm not going to -- I did not -- I</p> <p>12 did not think the Supreme Court would have affirmed a</p> <p>13 racial gerrymandering law in 2012.</p> <p>14 THE VIDEOGRAPHER: Sorry. Will you repeat</p> <p>15 that, Senator? It kind of was a little faint on my</p> <p>16 end.</p> <p>17 A. I found it very unlikely that the US Supreme</p> <p>18 Court and the -- and the Obama Justice Department would</p> <p>19 have precleared a racially gerrymandered map in 2012. I</p> <p>20 found that very unlikely.</p> <p>21 BY MR. CUSICK:</p> <p>22 Q. Is there anything in the guidelines that</p> <p>23 prioritizes shoring up a 6 to 1 Republican split for</p> <p>24 congressional districts?</p> <p>25 MR. TRAYWICK: Object to the form.</p>	<p style="text-align: right;">Page 149</p> <p>1 that as one of the factors that was influencing your</p> <p>2 drawing of a map?</p> <p>3 A. Not -- not really. I mean, the -- the</p> <p>4 Supreme Court has held that it's -- that you use</p> <p>5 political -- the political gerrymandering is a</p> <p>6 non-justiciable question and it is permissible. And</p> <p>7 it -- and I -- the map that Senator Harpootlian offered</p> <p>8 was -- took that into account obviously. He understands</p> <p>9 it is a non-justiciable question as well. So he drew a</p> <p>10 map on a Democratic district, and the Republican</p> <p>11 majority in the Senate adopted a map with a Republican</p> <p>12 majority in the 1st.</p> <p>13 Q. Are you aware that even given your</p> <p>14 explanation of federal case law, that a map could still</p> <p>15 be challenged in state court as a partisan gerrymander?</p> <p>16 MR. TRAYWICK: Object to the form.</p> <p>17 A. Yes, I'm -- I'm aware that that could happen.</p> <p>18 BY MR. CUSICK:</p> <p>19 Q. You've talked about some of the Supreme Court</p> <p>20 case law. Are you aware of any case law that harming</p> <p>21 racial minorities for political advantage could run</p> <p>22 afoul of federal law?</p> <p>23 A. Can you say that question again?</p> <p>24 Q. Yeah. If -- if you were using partisanship</p> <p>25 as a way to harm racial minorities, could that also run</p>